

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

PNC EQUIPMENT FINANCE, LLC,

Plaintiff,

v.

R.A.S.H., LLC, MARTIN JOHN PHIPPS,
PHIPPS ANDERSON DEACON LLP,

Defendants.

CIVIL No. SA-20-CV-00942-XR

**PLAINTIFF’S NOTICE OF DEPOSIT OF DISPUTED FUNDS IN SUPPORT OF
DISMISSAL WITH PREJUDICE OF ALL CLAIMS AND COUNTERCLAIMS**

NOW COMES PNC Equipment Finance, LLC (“PNC” or “Plaintiff”), and files this Notice of Deposit of Disputed Funds and in Support of Dismissal with Prejudice of all Claims and Counterclaims (the “Notice”), and would respectfully show the Court as follows:

**I.
SUMMARY OF THE NOTICE**

1. On May 19, 2021, the Court granted PNC’s Emergency Motion to Deposit Disputed Funds and Dismissal with Prejudice as to all claims and counterclaims (the “Order”) [Doc. #54]. The Order held that PNC shall deposit the Surplus Proceeds (\$195,315.59) into the Registry of the Court in the pending lawsuit by Bexar County, et al. versus RASH, LLC, et al., Cause No. 2021TA100002 (the “Tax Lawsuit”), by 5:00 p.m. on May 21, 2021. The Order further held that upon depositing of the Surplus Proceeds and any applicable interest as required by law into the Registry of the Court, all claims and counterclaims in the pending above-captioned lawsuit are dismissed with prejudice [See Doc. #54]. PNC now files this Notice to inform the Court of its satisfaction of the requirements under the Order, finalizing the dismissal with prejudice as to all claims and counterclaims.

II.
NOTICE OF DEPOSIT OF DISPUTED FUNDS IN SUPPORT OF DISMISSAL WITH
PREJUDICE OF ALL CLAIMS AND COUNTERCLAIMS

2. In accordance with the Order [Doc. #54] and the mediated settlement agreement between Plaintiff and Defendants, PNC deposited \$195,315.59, the remaining amount of the Surplus Proceeds, into the Registry of the Court of Bexar County where the Tax Lawsuit is pending. Such deposit was made on May 21, 2021, prior the 5:00 p.m. deadline. A true and correct copy of the Bexar County Official Receipt is attached hereto as Exhibit "A." As a result of the deposit, all claims and counterclaims in the pending lawsuit are now moot. Therefore, all claims and counterclaims are dismissed with prejudice in accordance with the Order [Doc. #54].

Respectfully Submitted,

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Attorneys for PNC Equipment Finance, LLC

CERTIFICATE OF SERVICE

This is to certify that on May 25, 2021, a true and correct copy of the foregoing has been forwarded to the Defendants, by and through their counsel of record, Abasi Major, 102 9th Street, San Antonio, Texas 78215, via ECF and/or e-mail at amajor@phippsmayes.com.

/s/ Christopher V. Arisco
Christopher V. Arisco